



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## BOARD OF DIRECTORS' REGULAR MEETING

September 18, 2002

### REVISED AGENDA

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:30 a.m. in the 7<sup>th</sup> floor Board room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

#### Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.

#### Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:30 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

# BOARD OF DIRECTORS' REGULAR MEETING

## REVISED A G E N D A

WEDNESDAY  
September 18, 2002  
9:30 A.M.

BOARD ROOM  
7TH FLOOR

### CALL TO ORDER

Opening Comments  
Roll Call  
Pledge of Allegiance  
Commendations/Proclamations

Randy Attaway, Chairperson  
Clerk of the Boards

### PUBLIC COMMENT PERIOD

**Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**  
*Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.*

### CONSENT CALENDAR (ITEMS 1 – 7 )

Staff/Phone (415) 749-

1. Minutes of September 4, 2002

M. Romaidis/4965

[mromaidis@baaqmd.gov](mailto:mromaidis@baaqmd.gov)

2. Communications

W. Norton/5052

[exec@baaqmd.gov](mailto:exec@baaqmd.gov)

*Information only*

3. Report of the Advisory Council

R. Sawyer/4962

[rsawyer@me.berkeley.edu](mailto:rsawyer@me.berkeley.edu)

4. Monthly Activity Reports

P. Hess/4971

[phess@baaqmd.gov](mailto:phess@baaqmd.gov)

*Division Activities for the month of August, 2002*

5. Comparison Report of District Energy Use

W. Tanaka/5066

[wtanaka@baaqmd.gov](mailto:wtanaka@baaqmd.gov)

*Report of District energy use beginning January 2000 through August 2002*

6. Authorization for Execution of Purchase Order in excess of \$35,000

W. Tanaka/5066

[wtanaka@baaqmd.gov](mailto:wtanaka@baaqmd.gov)

*Pursuant to the District's Administrative Code Division II, Section 4.3. Fiscal Policies and Procedures, staff requests the Board authorize the CEO/Executive Secretary to execute a contract with Deloitte and Touche, LLP for professional consulting services and out-of-pocket expenses not to exceed \$137,170, as budgeted for in fiscal year 2002-2003.*

7. Approval of Amendments to District Administrative Code, Division III, Section 13: Method of Filling Vacancies

W. Norton/5052

[exec@baaqmd.gov](mailto:exec@baaqmd.gov)

*In accordance with provisions of the Administrative Code governing amendments to the Administrative Code, notice was given at the September 4, 2002 Board of Directors regular meeting, for the proposed adoption of changes to the District's Administrative Code, Division III, Section 13, which was recommended approval of by the Personnel Committee.*

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

8. Report of the **Mobile Source Committee** Meeting of September 12, 2002

CHAIR : T. SMITH

W. Norton/5052

[exec@baaqmd.gov](mailto:exec@baaqmd.gov)

*Action(s): The Committee recommends Board approval of the following:*

- A) Approval of TFCA Regional Fund grant awards for FY 02/03, including \$9.8 million to 34 public agency projects, \$1.3 million to the Lower Emission School Bus Program, and an increase of \$1.5 million to the District's Vehicle Buy Back Program.*
- B) Approval of requested amendment to the Contra Costa County Program Manager expenditure program for FY 02/03.*

9. Report of the **Personnel Committee** Meeting of September 18, 2002

CHAIR PRO TEM: H. BROWN

W. Norton/5052

[exec@baaqmd.gov](mailto:exec@baaqmd.gov)

*Actions: The Committee may recommend approval of the following items:*

- New Classifications – A) Student Intern I/II and Approval of New Salary Range 95.*
- B) Air Quality Case Settlement Specialist*
- C) Personnel Clerk I/II*

## **PRESENTATION**

10. Consider Request to Fund "Toxic Tours"

C. Schaufelberger/4779

[cschaufelberger@baaqmd.gov](mailto:cschaufelberger@baaqmd.gov)

*The Board will consider a request to Fund Environmental Justice Air Quality Coalition-sponsored "Toxic Tours."*

## **CLOSED SESSION**

11. Report of Personnel Committee Meeting of September 18, 2002

12. Conference with District's Labor Negotiator  
(Government Code § 54957.6(a))

*Agency Negotiators: IEDA*

*Un-Represented Employees: Management*

13. Public Employee Appointment (Government Code Section 54957)

*The Board will consider Appointment of District Counsel.*

14. Conference with Legal Counsel

A. Existing Litigation:

*Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following cases:*

1. **Stonelight Tile, Inc. and David Anson v. Bay Area AOMD**, United States District Court, N.D. Cal., San Jose Division, Case No. CV 98-21060 (JW) (PVT)
2. **Communities for a Better Environment and Transportation Defense and Education Fund v. Bay Area AOMD, Metropolitan Transportation Commission, and Association of Bay Area Governments**, SFSC No. 323849
3. **Alvin J. Greenberg, Ph.D. v. Bay Area AOMD, et al.**, United States District Court, N.D. Cal., Case No. C 02 1501 VRW

B. Significant Exposure to Litigation

*Pursuant to Government Code Section 54956.9(b), a need exists to meet in closed session to discuss a significant exposure to litigation in one potential case.*

**OPEN SESSION**

15. Report of the Personnel Committee Meeting of September 18, 2002
16. Consideration of Terms and Conditions of Employment for District Counsel

*The Board will consider approval of an employment agreement with District Counsel.*

17. Report of the CEO/Executive Secretary
18. Report of the Air Pollution Control Officer
19. Chairperson's Report
20. Board Members' Comments

*Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

21. Place of Next Meeting - 9:30 a.m., Wednesday, October 2, 2002 939 Ellis Street, San Francisco, CA 94109
22. Adjournment